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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,728	10/29/2003	Jun-Long Yang	33144-198290	2646

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/694,728	YANG	
Examiner	Art Unit	
Hanh V. Tran	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,652,050 to Lin in view of US 2004/0239218 to Jurja.

Lin discloses a rail assembly comprising all the elements recited in claim 1 including, such as shown in Fig 1, (1) a stationary track 10 having an inner end; an outer end; a web having an inner surface; and an outer surface; two side edges; and two longitudinal guides formed respectively at the side edges; (2) an internal track slidably mounted on the stationary track; (3) a sliding frame slidably mounted on the inner track and having an inner end; an outer end; a web having an inner surface; two protrusions formed on the inner surface of the web near the inner

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end; and a latch tab formed on the inner surface of the web a distance from the protrusions toward the outer end; (4) a latch bracket 40 mounted inside the stationary track at the inner end and having an inner end; an outer end; an upper rail having a longitudinal guide slot 42 defined in the upper rail and a transverse stop notch 43 communicating with the longitudinal guide slot 42; a lower rail parallel to the upper rail having a longitudinal guide slot defined in the lower rail and a transverse stop notch communicating with the longitudinal guide slot, wherein the longitudinal guide slots and the transverse stop notches are aligned with each other; a body formed on the inner end and having a rear surface, an outer end surface; a top side; a bottom side; two keys formed respectively on the top side and the bottom side of the body and mounted respectively inside the longitudinal guides of the stationary track; and a buffer mounted inside the cavity in the body to absorb closing energy; a resilient latch assembly slidable mounted inside the latch bracket and having a latch 50 slidable mounted inside the latch bracket 40 between the upper rail and the lower rail and having an outer end; an inner end; a front surface; a rear surface; two sides; a middle portion; two guide posts 52 being respectively formed on one of the sides at the middle portion and slidably mounted inside the longitudinal guide slots; two locking posts being respectively formed on the same sides as the guide posts near the inner end and slidably mounted inside the longitudinal guide slots; a spring bracket formed on the rear surface of the latch at the middle portion with two notches; and a hook formed on the front surface at the outer end; and two springs 60 being mounted between the latch and the body. The differences being that Lin does not disclose a cavity defined in the rear surface, and a through hole defined in the outer end surface and communicated with the cavity.

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Jurja teaches the idea of providing a rail assembly with a latch bracket having a body having a cavity 46 defined in the rear surface, a through hole 46 defined in the outer end surface and communicated with the cavity to receive a spring 34 therein in order to provide a secure attachment structure of the spring to the latch 24, thereby preventing accidental disengagement of the spring and the latch 24. Therefore, it would have been obvious to modify the structure of Lin by providing a cavity defined in the rear surface, and a through hole defined in the outer end surface and communicated with the cavity to receive a spring therein in order to provide a secure attachment structure of the spring to the latch, thereby preventing accidental disengagement of the spring and the latch, as taught by Jurja, since both teach alternate conventional rail assembly structure, used for the same intended purpose, thereby providing structure as claimed.

Allowable Subject Matter

5. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chu, Boks, Lin '471, Kim et al, Chae, Weng, Lam Harn et al, Hollenstein et al, Brustle et al, Lautenschlager et al, Schroder et al, and Roeck et al all show structures similar to various elements of applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT
May 2, 2005


Hanh V. Tran
Art Unit 3637